



## DECLARATION AND POWER OF ATTORNEY

the below named inventors, we hereby declare that our residence address, post office address and citizenship is as stated below next to our names, and that:

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **MEDICAL DEVICE HAVING ANTI-INFECTIVE AND CONTRACEPTIVE PROPERTIES**, the specification of which was filed in the United States Patent and Trademark Office on June 18, 1999, and assigned Serial No. 09/336,392.

This application in part discloses and claims subject matter disclosed in earlier filed copending application Serial No. 09/179,233, filed on October 26, 1998, and application Serial No. 09/265,196, filed on March 10, 1999.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application and to patentability as defined in Title 37 Code of Federal Regulations §1.56.

We hereby claim priority benefits under Title 35, United States Code §119(e) of copending Provisional Application No. 60/090,014, filed on June 19, 1998.

We hereby claim foreign priority benefits under Title 35 United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: None.

We hereby claim the benefit under Title 35 United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 United States Code §112, we acknowledge the duty to disclose material information as defined in Title 37 Code of Federal Regulations §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

09/179,233, filed October 26, 1998

09/265,196, filed March 10, 1999

We hereby declare under penalty of perjury under the laws of the United States of America that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 United States Code §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:



William B. ANDERSON, Reg. No. 41,585  
Victoria L. BOYD, Reg. No. 43,510  
Y. Ping CHOW, Reg. No. 30,740  
Robert F. DENNIS, Reg. No. 40,988  
Derek P. FREYBERG, Reg. No. 29,250  
Walter KURZ, Reg. No. 37,373  
Edward J. LYNCH, Reg. No. 24,422  
Priscilla H. MARK, Reg. No. 41,970  
William SCHMONSEES, Reg. No. 31,796  
Soodabeh TRONSON, Reg. No. 41,354  
Herwig VON MORZÉ, Reg. No. 29,484

of the firm

**Heller Ehrman White & McAuliffe LLP**  
525 University Avenue, Suite 1100  
Palo Alto, CA 94301-1900  
(650) 324-7000

All correspondence should be directed to:

**Derek P. Freyberg**  
**Heller Ehrman White & McAuliffe LLP**  
525 University Avenue, Suite 1100  
Palo Alto, CA 94301-1900

Full Legal Name of First and Joint Inventor: Terrence R. Green

Executed on this 14<sup>th</sup> day of June, 2000.

Inventor's Signature: Terrence R. Green

Residence: 13851 Verte Court, Lake Oswego, Oregon 97034

Post Office Address: (same as above)

Citizenship: United States of America

Full Legal Name of First and Joint Inventor: Jack Fellman

Executed on this 14<sup>th</sup> day of June, 2000.

Inventor's Signature: Jack A. Fellman

Residence: 651 Tanglewood Circle, McMinnville, OR

Post Office Address: (same as above)

Citizenship: United States of America

In re the Application of Green et al.

Serial No.: 09/336,392

Filed: June 18, 1999

For: **MEDICAL DEVICE HAVING ANTI-INFECTIVE AND CONTRACEPTIVE PROPERTIES**

Heller Ehrman White &amp; McAuliffe LLP Docket No.: 25658-0002

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(UNDER 37 CFR § 1.9(f) and § 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Ox|Bio, Inc. (OBI)ADDRESS OF CONCERN: 4640 SW Macadam, Suite 40, Portland, OR 97201

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern has control or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **MEDICAL DEVICE HAVING ANTI-INFECTIVE AND CONTRACEPTIVE PROPERTIES** by inventors, Terrence R. Green and Jack Pellman, described in:

- ☐ the specification filed herewith.
- ☒ application serial no. 09/336,392, filed June 18, 1999.
- ☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR § 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(c).

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Terrence R. Green, Ph.D.TITLE OF PERSON SIGNING (OTHER THAN OWNER) President and Chief Executive OfficerADDRESS OF PERSON SIGNING 4640 SW Macadam, Suite 40, Portland, OR 97201SIGNATURE Terrence R. GreenDATE August 3, 2000